

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

LOUISIANA BOARD OF ETHICS

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DOCKET NO.

IN THE MATTER OF

KIMBERLY POWELL

AGENCY TRACKING NO. 2019-051

CHARGES

The Louisiana Board of Ethics voted on February 6, 2020, to and does hereby file the following charges:

1.

Kimberly Powell was continuously employed with the Louisiana Department of Public Safety, Office of Motor Vehicles (“OMV”), from September 10, 2007 until her resignation on April 10, 2017, when she held the position of Motor Vehicle Office Manager 1.

2.

At the time of her resignation as a Motor Vehicle Office Manager 1, Kimberly Powell received an annual salary of \$35,193.60, paid bi-weekly in the amount of \$1,353.60.

3.

As a Motor Vehicle Office Manager 1, Kimberly Powell’s job duties included collecting money owed to the State of Louisiana and its political subdivisions and depositing the money collected into the OMV’s account at Guaranty Bank in Tallulah, Louisiana.

4.

In February 2017, Kimberly Powell began taking cash from OMV funds collected from customers for her personal use and would cover the shortages in the OMV's daily deposits by using her own funds to replace the cash she had taken.

5.

From March 21, 2017 through March 27, 2017, Kimberly Powell took \$4,815.12 in cash collected from OMV, to which she was not duly entitled to receive for the performance of her public duties as OMV Motor Vehicle Office Manager 1.

6.

On March 27, 2017, Kimberly Powell informed her supervisor in Monroe, Louisiana, Angela Trahan, that she had taken cash from OMV funds that should have been deposited in the bank.

7.

La. R.S. 42:1111A(1)(a) prohibits a public servant from receiving anything of economic value for the performance of her job duties other than the compensation and benefits from the governmental entity to which she is duly entitled.

8.

La. R.S. 42:1153B provides with respect to penalties:

Upon a determination that any public employee or other person has violated any provision of any law within the jurisdiction of the Board of Ethics ... the Ethics Adjudicatory Board may remove, suspend, or order a reduction in pay, or demotion of the public employee or other person, or **impose a fine of not more than ten thousand dollars, or both.**

9.

La. R.S. 42:1155 provides with respect to penalties for illegal gain:

If an investigation conducted pursuant to this Part reveals that any public servant or other person has violated any law within the jurisdiction of the Board of Ethics to his economic advantage, and after an adjudicatory hearing on the matter, the Ethics Adjudicatory Board may order the payment of penalties. **Recovery may include, in addition to an amount equal to such economic advantage, penalties not to exceed one half of the amount of the economic advantage.**

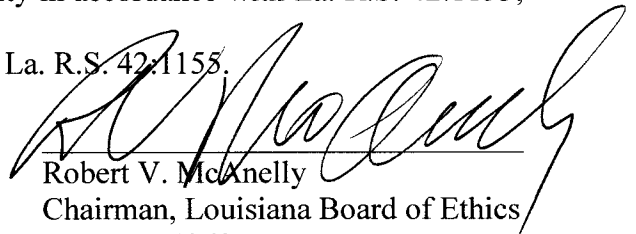
10.

Based on the foregoing facts, Kimberly Powell, while serving as a Motor Vehicle Office Manager 1 with the Louisiana Department of Public Safety, Office of Motor Vehicles, violated La. R.S. 42:1111A(1)(a) when she received payments totaling \$4,815.12 from OMV customers, which she was not duly entitled to receive, for the performance of her job duties and responsibilities as a Motor Vehicle Office Manager 1.

11.

In accordance with La. R.S. 42:1141C(3)(b)(iv), the Board designates David M. Bordelon and Tracy M. Barker as the Board's trial attorneys in this matter.

WHEREFORE, the Louisiana Board of Ethics requests that the Ethics Adjudicatory Board (a) conduct a hearing on the foregoing charge; (b) determine that Kimberly Powell violated La. R.S. 42:1111A(1)(a); (c) assess an appropriate penalty in accordance with La. R.S. 42:1153; and (d) assess an appropriate penalty in accordance with La. R.S. 42:1155.




Robert V. McNelly
Chairman, Louisiana Board of Ethics
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CERTIFICATE:

I hereby certify that a copy of this document has been forwarded to the Respondent via registered/certified mail, and to the attorney of record via electronic mail, on this 10th day of February, 2020.

RESPONDENT: Kimberly Powell
1747 Highway 4
Newellton, Louisiana 71357-6041

ATTORNEY: None



David M. Bordelon
Trial Attorney